Comments on ET Docket No. 15-170, FCC 15-92

In the Matter of:

"Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment"

Introduction – The American Association for Laboratory Accreditation (A2LA) is a nonprofit, non-governmental, public service, membership society. A2LA provides comprehensive services in laboratory accreditation and laboratory-related training. Services are available to any type of organization, be it private or government. A2LA's laboratory accreditation program is based on internationally accepted criteria for competence (ISO/IEC 17025:2005). A2LA also offers programs for accreditation of inspection bodies, proficiency testing providers, reference material producers and product certification bodies.

A2LA's mission is to provide world-class accreditation and training services for testing and calibration laboratories, inspection bodies, proficiency testing providers, reference material producers and product certifiers. These and other future services should create stakeholder confidence in the quality, competence and integrity of all A2LA-accredited organizations and in their products and services.

A2LA seeks to establish cooperative arrangements with laboratory accreditation systems in other countries and in the United States. These arrangements facilitate the acceptance of test and calibration data between A2LA-accredited laboratories and other countries/economies. A2LA is currently a full member signatory of the following International Mutual Recognition Arrangements (MRAs):

- International Laboratory Accreditation Cooperation (ILAC)
- Asia Pacific Laboratory Accreditation Cooperation (APLAC)
- Inter-American Accreditation Cooperation (IAAC)
- International Accreditation Forum (IAF)

We appreciate the opportunity to provide comments on the proposals outlined by the FCC in this NPRM. We offer the comments detailed on the following two pages, organized according to paragraph numbering within the NPRM, in an effort to strengthen and clarify areas of concern identified by our organization.

Respectfully,

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Comment #1: Paragraph 26: We respectfully disagree and do not support the proposal to remove the requirement that an accredited testing laboratory perform the testing for any device that is subject to the self-approval process. The requirement of accreditation for testing laboratories performing tests of equipment currently subject to Declaration of Conformity should be retained. The proposal in paragraph 26 is fully contradictory of the FCC's decision stated in FCC Report and Order 14-208, paragraph 45, released in the Federal Register in July 2015. The Report and Order states that:

> "Finally, we find little evidence in the records that an accreditation requirement represents a significant impact on small test laboratories and is greatly outweighed by the costs that can result when equipment causes harmful interference to other radio services or must be pulled from the market due to non-compliance that is the result of improper testing. Requiring all laboratories that test equipment subject to the certification **and DoC procedures under any rule part** to be accredited is essential for maintaining the reliability of and confidence in our certification program in the face of increasingly complex technology and devices"

Less oversight of test laboratories through means of third party accreditation will inevitably lead to an increase in non-compliant products on the market, and increases the likelihood of fraudulent SDoC's being issued.

Comment #2: Paragraph 27: We respectfully disagree with, and do not support, the proposal for responsible parties to self declare compliance to specified standards or requirements without the use of accredited testing facilities to support an SDoC. As referenced in this NPRM, we understand that the European Union (EU) maintains a list of approved parties that must prepare a European Commission SDoC when introducing an RF product to that market; however, we do not feel that the current SDoC model in the EU is similar to the process being proposed by this NPRM. We feel that the FCC should reexamine the current EU process, and reconsider the FCC proposal to not require accredited testing. Of particular reference should be the European Commission's website that outlines the "New Legislative Framework", and states that this framework:

- Improves market surveillance rules
- ***Sets clear and transparent rules for the accreditation of conformity assessment bodies***
- Boosts the quality of and confidence in the conformity assesorme of products
- Clarifies the meaning of CE marking
- Establishes a common legal framework for industrial products

The above-mentioned website is located at the following address:

http://ec.europa.eu/growth/single-market/goods/new-legislative-framework/index_en.htm

Furthermore, within the New Legislative Framework, there exists Regulation (EC) No 765/2008 , which sets out the requirements for accreditation and the market surveillance of products. This regulation states "The particular value of accreditation lies in the fact that it provides an authoritative statement of the technical competence of bodies whose task is to ensure conformity with the applicable requirements."

Comment #3: Paragraph 28: As mentioned in the comments above A2LA does not support the SDoC approach, but since the NPRM seeks comment on the nomenclature proposed, we do feel that the proposed term "Supplier's Declaration of Conformity" or "SDoC" would be correct to describe the proposed new process.

We would like to point out that the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) have published *ISO/IEC 17050-1:2004 "Conformity Assessment – Supplier's Declaration of Conformity"* which is an international standard that outlines requirements that a first party who attests to a product's conformity should be expected to meet. If the FCC ultimately decides to adopt the SDoC process outlined in this NPRM, A2LA strongly recommends that the responsible parties issuing the SDoC are required to be accredited to ISO/IEC 17050:2004. If the FCC is concerned with high costs associated with accredited testing per ISO/IEC 17025:2005, we feel that accreditation to ISO/IEC 17050 would be less burdensome to the responsible parties while still maintaining a level of oversight on the equipment authorization process. We would further recommend that the process for recognition of accreditation bodies to accredit the responsible parties to the requirements of ISO/IEC 17050, should be in line with the current recognition criterion that was codified in the recent FCC Report and Order 14-208, paragraph 52.

Comment #4: Paragraph 31: The issuance of fraudulent test reports from testing laboratories not monitored via accreditation (Section 2.948) has been a historical issue, and we again do not support the proposal to not require the use of an accredited laboratory for the testing of equipment due to the aforementioned reasons.

With respect to requests for comments regarding the FCC logo, we feel that use of the FCC logo should not be voluntary in regards to SDoC. Voluntary usage would not be monitored to ensure compliance with requirements which then may diminish the overall confidence in the logo. Without confidence in the logo, consumers will not be able to distinguish between authorized and unauthorized devices.

Comment #5: Paragraph 32: Various government to government MRA's that are currently implemented require that United States-based testing laboratories meet the requirements of "FCC Accredited Test Laboratory Roles and Responsibilities" and be recognized by the FCC in order for test data to be accepted in respective economies. Assuming that the "FCC Accredited Test Laboratory Roles and Responsibilities" document will be revised to include only requirements of test laboratories testing in support of certification, U.S.-based laboratories that meet the current requirements for Declaration of Conformity (only) will be subject to additional requirements that may not be applicable for devices not subject to FCC Certification. Due to the extraordinary impact that the FCC's proposal may have on MRA's currently in place, and the burden that would be placed on U.S.-based laboratories, we do not support the proposal to apply the new SDoC process to all equipment currently subject to DoC and verification procedures.